

**IN THE UNITED DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DONALD W. FISHER,)	
)	
<i>Plaintiff,</i>)	
)	
-vs-)	Case No. 3:15-cv-00127
)	JUDGE CRENSHAW
)	Magistrate Judge Frensley
CHRISTOPHER GATES and GATES)	
CONSTRUCTION AND DESIGN,)	
LLC,)	
 <i>Defendants.</i>		

MOTION FOR DEFAULT JUDGMENT

COMES NOW THE PLAINTIFF, DONALD W. FISHER, pursuant to Rule 55 Fed.R.Civ.P. as well as this Court's Order entered on August 16, 2016 [Doc. 47], and respectfully moves this Court to enter a default judgment against the Defendants, Christopher Gates and Gates Construction and Design, LLC. As grounds for this motion, the Plaintiff would state that on May 6, 2016, this Court entered an order denying in part Defendants' motion to dismiss and referring this case to the Magistrate Judge for further proceedings [Doc. 41]. Defendants were required to serve an answer within fourteen days notice of the court's actions. Defendants failed to do so. Again, Defendants were ordered on August 16, 2016 to file an answer within fourteen days of the court's later order on that date. No answer has been filed in accordance with this court's two separate orders.

WHEREFORE, Plaintiff respectfully requests that the court enter a default judgment against the Defendants Christopher Gates and Gates Construction and Design, LLC.

Respectfully submitted,

s/ Larry L. Crain

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Attorney for the Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 1ST day of November, 2016, a true and exact copy of the foregoing document has been served upon the person(s) listed below:

Christopher Gates
And
Gates Construction and Design, LLC
33578 Abbey Road
Temecula, CA 92952

By the method(s) identified as follows:

- ☒ U.S. Mail, Postage Prepaid
- ☐ Hand-Delivery
- ☐ Overnight Delivery Service
- ☐ Certified Mail, Return ☐ Receipt Requested
- ☐ Facsimile

/s Larry L. Crain